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1945 **File No.** O. Nurses /45

Legal Department

A **BRANCH**

Subject:— Opinions under the Bombay, Nurses, Midwives & Health Visitors Registration Act, 1935

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C O N T E N T S.

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Sr.No.	L.I. / O.No.	Subject.	Pages.
		Opinions under the Bombay Nurses Midwives and Health Visitors Registration Act, 1935.	
1.	6621 12-9-1945.	Whether the appointment of the Sub-committee by the Managing Agents of the Nursing Association Thana to enquire into the complaints about the nurses at the Civil Hospital Thana was valid.	1-2.

SMT/6.7.

Office of the R.L.A.

Recently there were serveral complaints in the newspapers about the negligence of nurses at the Civil Hospital, Thana. The Managing Committee of the Nursing Association, Thana, appointed a Sub-Committee consisting of three members to enquire into the complaints. The Surgeon General took objection to the appointment of the Sub-committee on the ground that rule 3(a) of the Rules and Regulations of the Nursing Association empowered the Committee of the Association to engage and dismiss nurses employed by the Association and there was no provision in the Rules for the delegation of that power to a Sub-committee. The Association has since decided to disband the Sub-committee appointed by it but considers that "the Managing Committee which is empowered to frame by-laws regarding the employment and other matters relating to nurses of the Association must be presumed to have the power of directing an inquiry into the conduct of the nurses employed by the Associations and that nothing contained in rule 3 of the Rules and Regulations or in the by-laws made under that rule can affect this power." The R.L.A. is requested to advise whether the appointment of the Sub-committee to enquire into the complaints in the present case was valid.

2. The Nursing Association, Thana, is a Society registered under the Societies Registration Act, 1860, and is affiliated to the Bombay Nurses Midwives and Health Visitors Council, Bombay. Rule 2(a) of the Rules and Regulations of the Association provides that the affairs of the Association will be managed by a committee consiting of eleven members Rule 3(a) empowers the committee to make, vary or repeal by-laws for the engagement and dismissal of nurses employed by the Association. It is true as observed by the Surgeon General that there is no provision in the Rules and Regulations of the Association empowering the Managing Committee to delegate its

powers to a Sub-committee. But since the power to manage the affairs of the Nursing Association vests in the Managing Committee, I can see nothing wrong in, its, appointing a Sub-committee to enquire into the truth of the allegations appearing in the Press against the nurses of the Association. This enquiry was presumably in the nature of a general inquiry for the purpose of satisfying the Managing Committee as to the truth or otherwise of the allegations made. It was not an inquiry which by-law 3 povide for. The Subcommittee could only have reported its findings to the Managing Committee. If on the strength of those findings the Managing Committee desired displinary action to be taken, it could move the Hon. Secretary to hold a regular enquiry under by-law 3 for the purpose of dismissing the nurses for misconduct. In the circumstances I fail to see how the question of delegation arises. It would admittedly be a different matter if the appointment of the Sub-committee were for the purpose of an enquiry contemplated by by-law 3, but that apparently was not the case. No valid objection can therefore be taken against the appointment of the Sub-committee in the present case.

Sd/- P.E.MOOS.
6/9/45.

Remembrancer of Legal Affairs.

U.R. to G.D., No. 6681, dated the 12th September 1945.

SNT/6.7.